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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,108	10/08/2003	Ta-Kuang Yeh	OP-092000277	4465
46103	7590	01/20/2006	EXAMINER	
HDSL 4331 STEVENS BATTLE LANE FAIRFAX, VA 22033			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/680,108

Applicant(s)

YEH, TA-KUANG

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This is a non-final Office Action for application number 10/680,108 Supporting Structure, filed on 1/8/03. Claims 1-3, 5 and 6 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/05 has been entered.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1 recites "an elongate body member" in line 2 and "the elongate member" in line 7. Although it appears that the terms are referring to the same element, in order to be clear, the terminology for referring to the same element should remain the same throughout the claim.

Claim 1, line 4, recites, "until subsequently reposition" and this should be changed to "until subsequently repositioned" or "until subsequent repositioning".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites that "by hand without a tool into any degree as desired". This subject matter was not included in the original disclosure and therefore constitutes new matter and must be cancelled from the claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that the "by hand without a tool into any degree as desired" and the claim is indefinite because hands may be of different strengths and it is unclear as to what is meant by a tool.

Claim 1 recites the limitation "the middle" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5810306 to Hung et al. and in view of United States Publication No. 2004/0047052 to Zadro and in view of United States Patent No. 314,440 to Eames.

Hung et al. teaches every feature of the claimed invention including an elongate body member (10) made of a flexible aluminum material (See Col. 3, line 2-3) with a roughened surface and being bendable and foldable by hand without a tool to any degree desired while it retains the bent shape until subsequent repositioning, an exterior cover member (41) made of soft plastic material (See Col. 3 line 48) directly formed on the elongate body (the process by which the device is formed is not given structural weight as pertaining to the "injection molding" of claim 1) and has a bellow configuration wherein the exterior covering member exposes two exposed ends (13) of the elongate body member (10) of the elongate member and a holding device (50) connected to the other exposed end of the elongate body member.

Hung et al. does not teach a suction disk device connected to one of the exposed end of the elongate body member.

Zadro discloses an elongate body member (33) having two exposed ends with a suction disk device (55) connected to an exposed end of the elongate body member,

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the suction disk used to removably attach the elongate body member to a desired surface. Therefore, it would have been obvious to one of ordinary skill in the art from the teachings of Zadro to have added a suction device to an exposed end of the elongate body member in order to be able to attach device to the desired surface.

Hung et al. and Zadro do not teach wherein the exterior covering member has a diameter gradually reduced from the two ends (48) to a middle thereof.

Eames teaches a covering member (B) for covering a flexible member (A), the covering member which gradually reduces in diameter from the two ends to a middle, to make is easier to bend in the middle. Therefore, it would have been obvious to one of ordinary skill in the art from the teachings of Eames to have substituted the cover for a cover with a gradually reduced diameter in the middle in order to more easily bend the cover with the flexible member.

Response to Arguments

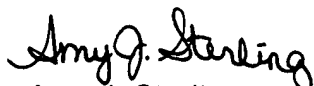
Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at

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571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

A handwritten signature in black ink, reading "Amy J. Sterling". The signature is written in a cursive, flowing style.

Amy J. Sterling
1/14/06